



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 27 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Marisela J. Aranguiz, P.E.
Assistant Director, Capital Program Management
Miami-Dade Water and Sewer Department
Miami-Dade County
3071 SW 38th Avenue
Miami, Florida 33146

Re: Consent Decree (Case: No.: 1:12-cv-24400-FAM)
Reference DOJ Case No.: 90-5-1-1-4022
Section VI – Wastewater Treatment Plant Operations and Maintenance Program, Paragraph 19(h)
Hauled Waste Manifest Guidance Manual

Dear Ms. Aranguiz:

The United States Environmental Protection Agency Region 4 and the Florida Department of Environmental Protection (FDEP) are in receipt of Miami-Dade County's (Miami-Dade) October 31, 2017 submittal of the Hauled Waste Manifest Guidance Manual (Manual) as part of the Wastewater Treatment Plant Operations and Maintenance Program (WWTP OMP) set forth in Paragraph 19.(h). of the above-referenced Consent Decree (CD). The EPA has consulted with FDEP and we hereby offer the below comments.

1. In the November 21, 2016 letter responding to EPA comments, Miami-Dade noted (in its response to comment #9(a) and (b)) that the revised Manual would include a specific certification on the Waste Manifest Monthly Summary Report that would be signed by the hauling management.

The revised Manual stipulates in Section 7.0 that all haulers will use a paper manifest for each load disposed, and on a monthly basis, liquid waste transporters will upload the paper manifest information using a digital system. Other than this monthly upload, there is no mention of a "Monthly Summary Report" in the revised guidance.

Attachment 6 of the revised guidance supplies a sample paper manifest with a certification that is signed by the driver, and not the management of the hauling business. Attachment 6 also includes the 2017 Liquid Waste Transporter Electronic Manifest Guidelines. This guidance includes screen shots of the e-manifest system that is used to upload the monthly data. These screen shots suggest the monthly upload procedure does not require/indicate the individual certifying the upload is a manager of the hauling business, and the only certification required is "I certify that the information above is true and accurate" (page 5). This is not the certification that Miami-Dade indicated would be in the guidance in its response to EPA comment #9(a) and (b). The liability burden can still be fully placed on the driver.

The certification language that Miami-Dade had specified in its November 21, 2016 response to comments was included on the Request Form for "Other Liquid Wastes." However, this form does not specify a hauling company manager be the signatory, it only addresses one segment of the hauled wastes being received, and it is for only one disposal and not for each month.

2. In the November 21, 2016 letter responding to EPA comments, Miami-Dade noted (in its response to comment #9(c)) that it would address EPA's concern with non-specification within the manifest form and/or its instructions as to who to contact at the County in order to obtain approval where the liquid wastes being discharged are other than septage, grease, or portable toilet waste from customers in the County. Miami-Dade responded that it would address this by including such information in the revised Manual.

The revised Manual transmitted on October 31, 2017 does not appear to include such information. With regard to these "Other Liquid Wastes," the revised Manual only references DERM and WASD generally. The hauler of these "Other Liquid Wastes" is directed in the revised Manual to submit a form found in Attachment 5 after first meeting with "RER-DERM staff." This form does not specify who should be the signatory, and also does not identify to whom at Miami-Dade the form should be submitted or how to contact the required staff to meet beforehand.

3. In the November 21, 2016 letter responding to EPA comments, Miami-Dade noted (in its response to comment #10) that training on the Hauled Waste Program will be implemented by July 2017 and repeated on an annual basis. The revised Manual transmitted on October 31, 2017 does not mention the frequency or extent of the training provided in concert with the Hauled Waste Program, except for the one Disposal Facility Spotter, who per Section 8.1 will only be "trained to use a pH meter and explosivity meter," presumably once.

Also, the spotter is required in Section 8.1 to refuse certain types of waste, but the spotter will only know the type of waste if the vehicle sticker says anything other than LW-ST. The spotter is otherwise directed to accept the waste and then watch/monitor it as it is being accepted. How is a spotter supposed to identify if the wasteload (already accepted and being watched) contains all of the listed types of waste with only a pH meter, an explosivity meter, and visual contact? Photo chemicals, certain sludges, and many reactive hazardous wastes, for example, would not be detected with those methods.

4. Section 3.2 of the revised Manual notes that Miami-Dade will review the compliance history of the permitted hauler on an annual basis. Later, it is noted that DERM and WASD will meet quarterly to discuss disposal station monitoring and POTW incidents. It appears then Miami-Dade may actually review the compliance of a problem hauler more frequently than annually, most likely quarterly. Miami-Dade may want to revise Section 3.2 to factor and/or reference this potential, and may want to identify in the guidance its option to revoke a hauler permit before the renewal process if warranted.

5. Section 4.0 of the revised Manual identifies Section 2.0 as the definition of acceptable wastes. The very next section discusses acceptable wastes as well; Miami-Dade may want to reference both Section 2.0 and Section 5.0 in Section 4.0.

6. Section 5.0 of the revised Manual notes that transporters hauling waste for disposal to the POTW are not generally required to certify their discharge complies with pretreatment standards found in County Code, such as federal prohibitions and local limits. Since these discharges are non-domestic, they are federally required to meet those pretreatment standards. Miami-Dade is effectively saying that it

will not take steps to assure such wastewaters comply with pretreatment standards prior to acceptance, which is a requirement of its authorized pretreatment program; but it will have records (manifests) in place to investigate problems that result when standards are violated. Such partial oversight practices are not acceptable.


7. Section 8.2.1 of the revised Manual notes that 5% of SVLs daily will be selected for random monitoring. This should be clarified as "5% of unflagged SVLs daily." Wasteloads that are monitored because they are flagged should not be included in the five percent of daily random monitoring events, as this will assure a consistent level of random monitoring. Flagged loads are monitored selectively, not randomly.

8. Section 8.2.3 of the revised Manual notes that monthly grab samples will be collected after the FOG control equipment, and this data will be provided to DERM before the 15th of the month. This section should be clarified to require variation in the sampling days/times. Since some haulers routinely discharge at the same day of the month, and time of day, assuring variation in the timing of the oversight sample will assure the same discharger conditions are not being sampled each time.

9. Section 9.2 of the revised Manual notes that all incidents at the POTW will be reported to DERM, but does not identify who at WASD will report. Also, the form supplied in Attachment 7 is non-specific, and not targeted to the Waste Disposal area. Miami-Dade may therefore need to employ two forms – one for non-specific incidents at the POTW, and one for specific incidents related to the Waste Disposal area, so pertinent data for DERM/WASD investigations is collected.

The EPA and FDEP will approve the *Hauled Waste Manifest Guidance Manual* upon resolution of the above comments. If you should have any questions regarding this matter, please contact Mr. Brad Ammons of the EPA at (404) 562-9769 or via email at ammons.brad@epa.gov.

Sincerely,


Maurice L. Horsey, IV, Chief
Municipal and Industrial Enforcement Section
NPDES Permitting and Enforcement Branch

cc: Mr. Jonathan A. Glogau
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